IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11944 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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MUKESHBHAI BANSILAL SHAH

Versus

RATILAL MOHANBHAI DABHI

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Appearance:

1. Special Civil Application No. 11944 of 2002

MR DIPAK R DAVE for Petitioner No. 1

MR ASHISH H SHAH for Respondent No. 1

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CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 21/01/2003

ORAL JUDGEMENT

1. Rule. Mr.Ashish H. Shah, the learned advocate waives service of rule.

2. The matter is taken up for final disposal with

the consent of the learned advocates. After the matter is heard for some time it is deemed fit that the matter be disposed of with the following directions.

(i) The judgement and award in Reference (LCN) No.29 of 1996 dated 23.11.1998 is hereby quashed and set aside along with order dated 14.8.2002 in Misc. ApplicationNo.10 of 1999 in Reference (LCN) No.29 of 1996.

(ii) For the present, the respondent workman, Shri Ratilal Mohanbhai Dabhi be reinstated in service. It is clarified at the request of Mr.Dave for the petitioner that the said reinstatement will be subject to final outcome of the reference which is directed to be heard afresh.

(iii) The present petitioner is directed to pay a sum of Rs.5,000/-, (Rupees five thousand only) towards cost of the proceedings which shall be paid within three weeks from today to the respondent workman by an account payee cheque.

(iv) The Labour Court is directed to hear Reference (LCN) No.29 of 1996 afresh and shall decide the same within six months from the date of receipt of this order.

3. Mr.Ashish H. Shah, the learned advocate states that the respondent will report within one week from the date of the receipt of this order.

4. The petition is allowed with the aforesaid directions. Rule is made absolute. Direct service is permitted.

(Ravi R. Tripathi, J.)

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